

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.33865 of 2016

Arising Out of PS.Case No. -471 Year- 2014 Thana -MUNGER COMPLAINT CASE District-
MUNGER

=====

Nand Kishore Sharma Son of Rohin Sharma Resident of Village-
Shreerampur, P.S. Nath Nagar, District Bhagalpur.

.... Petitioner/s

Versus

1. The State of Bihar
2. Poonam Devi W/o Nandkishore Sharma R/Vill- Chhoti Mudhuri P.S
Hawali Kharagpur Dist Munger.

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh

For the Opposite Party/s : Mr. Sri Binod Kumar 2

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH
ORAL ORDER

02/ 16-08-2016

Heard learned counsels for the petitioner and the
State.

The petitioner being the husband of the
complainant is apprehending his arrest in a complaint case wherein
process has been directed to be issued after cognizance being
taken for the offences punishable under Section 498A of the
Indian Penal Code.

The basic accusation is of torture.

It is submitted by learned counsel for the
petitioner that the petitioner admits his marriage with the
complainant and is ready to keep the complainant as wife with full

dignity and honour. Statement to that effect has been made in paragraph 6 of the petition, which reads as follows:-

“That the petitioner was ready to keep the wife complainant in his full dignity and honour.”

It is further submitted that the similar was the stand of the petitioner when the complainant went to the matrimonial house and thereafter the complainant herself deserted the petitioner. Further statement has been made in paragraph 10 of the petition that non-bailable warrant has been issued against the petitioner, which reads as follows:-

“That in this case cognizance has been taken on 6.8.2015 and non bailable warrant has been issued against the petitioner.”

Considering the present stand of the petitioner, let the above named petitioner be released on provisional anticipatory bail for six months in the event of his arrest or surrender before the learned court below within a period of twelve weeks from today, on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sub-divisional Judicial Magistrate, Munger in connection with Complaint Case No. 471C of 2014, subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

Let the learned court below issue notice to the

complainant on her appearance the petitioner will take the complainant to keep her as wife with full dignity and honour.

The provisional bail of the petitioner will be confirmed by the learned court below in three eventualities:- (i) on substantial restoration of the matrimonial harmony; (ii) or if the complainant gets reluctant to reconcile the issue; and (iii) or if the complainant fails to appear before the learned court.

(Dinesh Kumar Singh, J)

DKS/-

U		T	
---	--	---	--